

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	: Case No. 1:15-CV-1997
	:
Plaintiff/Intervenor,	:
	: JUDGE DAN AARON POLSTER
v.	:
	:
RUFFING MONTESSORI SCHOOL,	:
	:
Defendant.	:

A. Identities of individuals likely to have discoverable information that Plaintiff may use to support claims or defenses:¹

Rebekah McClelland	Plaintiff/Complainant. Mother of MD, a minor child with autism whom the United States alleges was disenrolled from Ruffing due to his disability or perceived disability	1106 Hillstone Rd. Cleveland Hts., OH 44121 (440) 731-6466
Louis Finucane, Sandra Sanchez	Parent of WF, a child the United States alleges was disenrolled from Ruffing due to his disability or perceived disability	10800 Edgewater Drive Cleveland, OH 44102 (216) 408-6261
Heather Lambert-Shemo, Jeffrey Lambert-Shemo	Parents of JLS, a child the United States alleges was disenrolled from Ruffing due to his disability or perceived disability	1362 Manor Park Ave. Lakewood, OH 44107 (216) 226-5654
John McNamara	Ruffing Principal	Ruffing Montessori School 1285 Orchard Park Dr. Cleveland, OH 44116 (216) 464-0033
Lori Coticchia	Ruffing administrator	
Siri Holm Losacano, FNU Shapiro, FNU Hughes, Joy Smith, Patty Ann Allen, Sandra Sanchez, Helga Werner, Patricia Allen	Ruffing teachers, taught MD, WF and JLS	
Libby Whalen	Ruffing Interventionist	
Tessa Dicker, Anna Discenzo,	Cleveland Montessori School staff members, may have communicated with	Cleveland Montessori School 12510 Mayfield Rd.

¹ Addresses, contact information, and/or phone numbers are provided to the extent known by the United States. Plaintiff will seasonably supplement this list when and if additional information required to be disclosed becomes available.

Tina Schneider	Ruffing staff members concerning MD	Cleveland, OH 44106 (216) 421-0700
Denise Falcon	Learning Specialist at Ratner Montessori School, where MD is now enrolled	Ratner Montessori School 27575 Shaker Blvd. Cleveland, OH 44124 (216) 464-0033
Persons named on list of families with children who did not re-enroll at Ruffing		

B. Documents, data compilations, and tangible things that are in possession, custody, or control of Plaintiff that Plaintiff may use to support claims or defenses:

See attached

C. Information Related to the Computation of Damages.

In accordance with 42 U.S.C. § 12181, et seq., the United States will seek all monetary damages allowed by law for aggrieved persons who have been harmed by the Defendants' discriminatory practices. Such damages may include, but not be limited to, compensation for out-of-pocket expenses, lost income, moving expenses, increased housing and transportation costs, emotional distress, embarrassment, and humiliation;² and punitive damages. Should the United States identify additional aggrieved persons other than McClelland, Finucane, Sanchez, the Lamert-Shemos, and their respective minor children, it will supplement these disclosures as required by the Federal Rules of Civil Procedure.

The United States will also seek a civil penalty in an amount up to the maximum permitted by 42 U.S.C. § 12188(b)(2)(C) for each discriminatory act.

Plaintiff is unaware of the existence of any documents relevant to the issue of damages other than those documents identified herein pursuant to Federal Rule of Civil Procedure 26(a)(1)(B). When and if plaintiff discovers any other persons for whom it will seek damages, and when and if plaintiff discovers information that could be used to calculate damages, it will supplement these disclosures.

² The precise amount needed to compensate aggrieved persons for the emotional distress they suffered will be determined by the jury. See *Bracey v. Board of Education of City of Bridgeport*, 368 F.3d 108, 118 (2d Cir. 2004) (noting that "[p]roper compensation for noneconomic damages cannot be computed by a mathematical formula."); *Williams v. Trader Pub. Co.*, 218 F.3d 481, 487 (5th Cir. 2000) (damages for emotional distress are not susceptible to the type of calculation contemplated by Rule 26(a)(1)).

Respectfully submitted this 15th day of June, 2016.

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